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FROM: David E. Boundy

Room No.: 4578
Phone No.: (212) 728-8757
Direct FAX: (212) 728-9757

TO: Examiner Nguyen Ba, H. V. A
Art Unit 2122.
U.S. Patent and Trademark Office

Fax No.: 703 872 9306
City: Alexandria

Telephone No.: 571 272 3701
State: Virginia

CONCERNING APPLICATION:

Applicant(s): John S. Yates, Jr., et al.

Serial No.: 09/434,394

Art Unit: 2122

Filed: November 4, 1999

Examiner: Nguyen Ba, H. V. A

Title: DETECTING REORDERED SIDE EFFECTS

AFTER FINAL - EXPEDITED PROCEDURE

I hereby certify that the attached

- This FAX cover sheet
- Second Request for Reconsideration (Without Amendment)
- Request for Withdrawal of Finality of Office Action

along with any paper(s) referred to as being attached or enclosed) are being transmitted by facsimile on April 14, 2005 to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

ATTORNEY DOCKET NO. 114596-20-4009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/434,394 Confirmation No.: 3898
Applicant: John S. Yates, Jr., et al.
Title: DETECTING REORDERED SIDE EFFECTS
Filed: November 4, 1999
Art Unit: 2122
Examiner: Nguyen Ba, H. V. A

Atty. Docket: 114596-20-4009
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AFTER FINAL – EXPEDITED PROCEDURE**SECOND REQUEST FOR RECONSIDERATION (WITHOUT AMENDMENT)**

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Alexandria, VA 22313-1450


Applicant hereby responds to the Advisory Action of March 28, 2005.

CONDITIONAL PETITION FOR EXTENSION OF TIME

Applicant believes that the Advisory Action of March 28, 2005 raises a “new ground of rejection,” and thus the finality of the Office Action of December 2004 is withdrawn by operation of law. Applicant submits that the Request for Reconsideration of February 28, 2005 tolled the period for response, and that no further extension of time is necessary.

In the event that the Office disagrees, Applicant petitions for a one-month extension of time to respond to the Office Action of December 30, 2004, which extends the period for

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Second Request for Reconsideration (Without Amendment) 1
This paper dated April 14, 2005

114596-20-4009 S/N 09/434,394
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PATENT

ATTORNEY DOCKET NO. 114596-20-4009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/434,394 Confirmation No.: 3898
Applicant: John S. Yates, Jr., et al.
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Filed: November 4, 1999
Art Unit: 2122
Examiner: Nguyen Ba, H. V. A

Atty. Docket: 114596-20-4009
Customer No. 38492

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AFTER FINAL – EXPEDITED PROCEDURE**REQUEST FOR WITHDRAWAL OF FINALITY OF OFFICE ACTION**

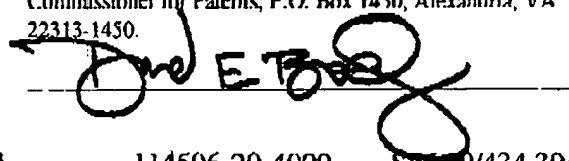
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Applicant observes that the Advisory Action of March 28, 2005 raises a new ground of rejection. All issues raised in the "final" Office Action of December 30, 2004 are apparently resolved. Pursuant to MPEP § 706.07(c) and (d), Applicant requests that the finality of the Action of December 30, 2004 be withdrawn, and that the Request for Reconsideration filed herewith be entered as of right.

I. The Advisory Action Introduces a New Ground of Rejection of an Unamended Claim

An Action may not be made final when it introduces a new ground of rejection, where the new ground was not necessitated by an amendment. MPEP § 706.07(a).

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Request for Withdrawal of Finality
This paper dated April 14, 2005

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114596-20-4009

S/N 09/434,394
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